

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AARON WILLIAMS,

Plaintiff,

v.

PILLPACK LLC,

Defendant.

C19-5282 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Having reviewed Plaintiff's motion to approve the notice plan, docket no. 145, and the papers filed in support of, and in opposition to, that motion, *see* docket nos. 146–52, the parties are DIRECTED to meet and confer and to file a combined Joint Status Report (“JSR”), not to exceed twelve (12) pages in length, on or before Friday, April 23, 2021. The JSR shall address:

(A) Whether Little Brook Media has indicated whether and when it will produce documents responsive to Plaintiff's subpoena, including “[a]ll documents reflecting all data, including . . . telephone numbers, sold to Prospects [DM] by” Little Brook Media during the relevant time period. *See* Subpoena, Ex. H to Payson Decl. (docket no. 150 at 63);

(B) To the parties' knowledge, what percentage of the approximately 437,000 individuals' contact data contained on the list produced by Prospects DM, but not contained on any list produced by Yodel Technologies LLC or Fluent Inc., were sold to Prospects DM by Little Brook Media;

1 (C) To the parties' knowledge, whether Yodel Technologies LLC and/or
2 Fluent Inc. produced all documents reflecting all individuals' contact data that those
3 companies sold to Prospects DM during the relevant period, or whether either company
4 limited the productions to only the contact data for which the company had obtained
5 express consent to call the individual in question;

6 (D) Whether Plaintiff is able to compile a more accurate list of proposed
7 class members to receive direct notice, based on the contact data already produced by
8 Prospects DM, recognizing that Prospects DM's contact data allegedly assigned a unique
9 numeric code to each list of leads it used in the PillPack-Prospects DM Campaign. *See*
10 Grant Decl. at ¶ 4, Ex. 34 to Sealed Motion for Class Certification (docket no. 37-17);
11 and

12 (E) Whether any renewed subpoena should be served on any third party,
13 including Little Brook Media or any other lead source that was used in the
14 PillPack-Prospects DM Campaign.

15 If the parties are unable to agree to any part of the JSR, they may answer in
16 separate paragraphs. No separate reports are to be filed.

17 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
18 record.

19 Dated this 6th day of April, 2021.

20 William M. McCool
21 Clerk

22 s/Gail Glass
23 Deputy Clerk